

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH
AND WELFARE FUND and NEW ENGLAND
LABORERS' TRAINING TRUST FUND;
JAMES MERLONI, JR. as he is
TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS
LEGAL SERVICES FUND;
MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND

Plaintiffs,

v.

MAC'S CONTRACTING CO., INC.

Defendant,

and

PEABODY CONSTRUCTION CO. INC.

Reach and Apply Defendant

and

Eastern Bank,

Trustee

C.A. NO. 04-11775JLT

MOTION TO IMPOUND AFFIDAVIT OF JOHN J. MCNAMARA
IN SUPPORT OF COUNSEL'S MOTION FOR LEAVE TO WITHDRAW AS
COUNSEL FOR REACH AND APPLY DEFENDANT
PEABODY CONSTRUCTION CO., INC.

Pursuant to Local Rule 7.2, counsel for the Reach and
Apply Defendant, Peabody Construction Co., Inc.

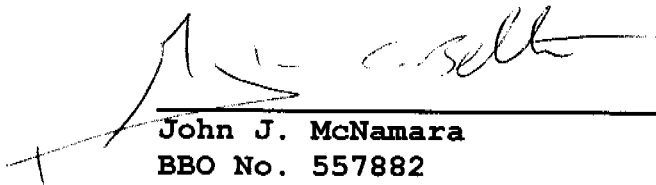
("Peabody"), hereby moves to impound the Affidavit of John
J. McNamara filed in support of Counsel's Motion to
Withdraw as Counsel for Defendant Peabody Construction Co.,

Inc. (the "Affidavit") and that upon dismissal of the case that post impoundment custody shall remain with Domestico, Lane & McNamara, LLP.

As grounds for its Motion, Peabody's Counsel states that good cause exists to impound the Affidavit, as it contains certain statements that, if made available to Plaintiff, Defendant, their counsel, or the public, would severely prejudice Peabody in this matter. Counsel relies upon the Affidavit of John J. McNamara filed in Support of Motion to Impound Affidavit ("McNamara Affidavit") and the Memorandum of Law submitted herewith.

Based upon the foregoing reasons stated herein, the undersigned counsel respectfully request that the Motion to Impound the Affidavit of John J. McNamara Filed in Support of Counsel's Motion to Withdraw as Counsel for Defendant Peabody Construction Co., Inc. be granted.

Respectfully submitted,



John J. McNamara
BBO No. 557882
Myles C. Beltram
BBO No. 628339
Domestico, Lane & McNamara, LLP
161 Worcester Road
Framingham, MA 01701
(508) 626-9000

Dated: April 26, 2005

CERTIFICATE OF SERVICE

I, Myles C. Beltram, hereby certify that the foregoing was served via first class mail, postage prepaid, upon Anne R. Sills, Gregory Geiman, Segal, Roitman & Coleman, 11 Beacon Street, Boston, MA 02108 on this 26 day of April, 2005.



Myles C. Beltram